

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

In re:

PRIME CAPITAL VENTURES, LLC,

Debtor.

Case No. 24-10531 (REL)
Chapter 11

PAUL A. LEVINE, as the permanent receiver of
Prime Capital Ventures, LLC, CHRISTIAN H.
DRIBUSCH, as the Chapter 7 trustee of Kris
Daniel Roglieri, and COMPASS-CHARLOTTE
1031, LLC

Civil Case No. 24-cv-00939-(MAD)

Appellants,

v.

B AND R ACQUISITION PARTNERS, LLC and
JHM LENDING VENTURES, LLC,

Appellees.

ORDER TO SHOW CAUSE FOR STAY PENDING APPEAL

Upon the Affirmation of Stephen A. Donato, a member of Bond, Schoeneck & King, PLLC, proposed attorneys for Prime Capital Ventures, LLC (“Prime”), one of the appellants in the above-captioned case, and submitted pursuant to Rules 8002, 8003 and 8007 of the Federal Rules of Bankruptcy Procedure (“Bankruptcy Rules”) and Rule 7.1(e) of the Local Rules for the United States District Court for the Northern District of New York (“Local Rules”); and upon the joint motion (the “Joint Motion”) of Paul A. Levine, the permanent receiver (the “Receiver”) of Prime appointed by Order dated January 24, 2024 of Judge Mae A. D’Agostino of the United States District Court for the Northern District of New York, Christian H. Dribusch, the Chapter 7 trustee (the “Trustee”) of Kris Daniel Roglieri (“Roglieri”), and Compass-Charlotte 1031, LLC

(“Compass”, and collectively with the Receiver and the Trustee, the “Movants”), pursuant to Bankruptcy Rule 8007, for entry of an order granting a stay pending appeal of the Memorandum Decision and Order entered by the United States Bankruptcy Court for the Northern District of New York in the captioned case on July 23, 2024, which dismissed Prime’s bankruptcy case [Bankruptcy Docket No. 85] (the “Dismissal Order”); it is hereby

ORDERED, that any party in interest show cause before the Hon. _____, United States District Judge, at the United States Courthouse, _____ at _____ a.m. on July ___, 2024, why an Order granting the Joint Motion seeking a stay pending appeal pursuant to Bankruptcy Rule 8007 during the pendency of Movants’ Appeal of the Dismissal Order; and it is further

ORDERED, that Movants are hereby granted a temporary stay of the Dismissal Order pending Appeal until this Court has made a determination on the Motion; and it is further

ORDERED, that service of a copy of this Order, together with the Motion and supporting papers upon which it is based, shall be deemed good and sufficient service if served upon: M. Patrick Everman, Esq. and Matthew W. McDade, Esq., counsel for B and R Acquisition Partners, LLC and JHM Lending Ventures, LLC, Balch & Bingham LLP, 188 East Capitol Street, Suite 1400, Jackson, Mississippi 39201; Pieter H.B. Van Tol, III, Esq., former counsel for Prime Capital Ventures, LLC, Hogan Lovells US LLP, 390 Madison Avenue, New York, New York 10017; Jon T. Powers, Esq., counsel for Piper Capital Funding LLC, White and Williams LLP, 7 Times Square, Suite 2900, New York, New York 10036; Joseph P. Lombardo, Esq., counsel for ER Tennessee LLC, Chapman and Cutler LLP, 320 South Canal Street, Chicago, Illinois 60606; and the Office of the United States Trustee, Lisa M. Penpraze, Esq., Assistant United States Trustee, Office of the United States Trustee, Leo O’Brien Federal

Building, 11A Clinton Avenue, Room 620, Albany, New York 12207, by overnight delivery and electronic mail, no later than the close of business on _____; and it is further

ORDERED, that opposition, if any, to the relief requested, shall be filed with the Court and served upon counsel for the Movants and the Office of the United States Trustee so that it is received no later than _____ (Eastern Time) on _____, 2024.

ORDERED, that reply papers, if any, shall be filed with the Court and served upon counsel for the Movants and the Office of the United States Trustee so that it is received no later than _____ (Eastern Time) on _____, 2024.

Dated: July __, 2024
Albany, New York

HONORABLE _____
UNITED STATES DISTRICT COURT JUDGE